

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Michael Lavage,

Plaintiff

v.

NCO Financial Systems, Inc.,

Defendant

FILED ELECTRONICALLY

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Michael Lavage, is a natural person residing at 14 Bengar Place, Scranton, PA 18505.

5. Defendant, NCO Financial Systems, Inc., (“the Collector”) is a corporation engaged in the business of collecting debts in this state with a place of business located at 507 Prudential Rd., Horsham, PA 19044.

6. The Collector is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

7. On or before January 22, 2010, the Collector began attempting to collect an alleged account (“the Account”) from Plaintiff.

8. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. § 1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. Between January 22, 2010, and January 26, 2010, the Collector caused at least five (5) telephone calls (“*the Calls*”) to be placed to phone number (570) 561-6330.

11. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

12. During each of *the Calls*, an employee of the Collector left a message ("*the Messages*") for Plaintiff.

13. 15 U.S.C. § 1692e(10) prohibits a debt collector from using any false representation or deceptive means to collect a debt or obtain location information about a consumer.

14. In one (1) of *the Messages*, the caller stated that "I need you to return this phone call back today".

15. The statement referenced in paragraph 14 created a false sense of urgency that Plaintiff was required to take immediate action to avoid adverse consequences.

16. The statement referenced in paragraph 14 was false and deceptive, in that it created the false urgency, in an attempt to garner a return call or payment from Plaintiff.

17. The statement referenced in paragraph 14 violated 15 U.S.C. § 1692e(10).

18. The *Calls* and *Messages* were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

19. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington
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